

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:21-cv-47-M

JOSEPH McALEAR, individually and on behalf  
of all others similarly situated,

*Plaintiff,*

v.

nCINO, INC.

*Defendant.*

**PLAINTIFF'S UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
PROPOSED CLASS ACTION  
SETTLEMENT**

Fed. R. Civ. P. 23(e)

**TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** Plaintiff Joseph McAlear hereby moves the Court, pursuant to Federal Rule of Civil Procedure 23, for an order as follows:

1. Finding that it will likely approve the Settlement with defendant nCino, Inc.;
2. Finding it will likely certify the Settlement Class upon final approval;
3. Approving the proposed plan of notice and directing notice to the Settlement Class;
4. Appointing Plaintiff's counsel as counsel for the Settlement Class;
5. Appointing JND Legal Administration as the Settlement Administrator;
6. Setting a schedule for disseminating notice to Settlement Class members, as well as deadlines to comment on, object to, or opt out of the Settlement Class; and
5. Scheduling a final fairness hearing.

This motion is based on the accompanying memorandum of points and authorities; the Declaration of Daniel Lyon; all exhibits to such documents; the pleadings and other documents on file in this case; and any argument that may be presented to the Court.

Dated: August 28, 2023

Respectfully submitted,

/s/Daniel Lyon

Robert M. Elliot, N.C. State Bar No. 7709  
Daniel Lyon, N.C. State Bar No. 43828  
ELLIOT MORGAN PARSONAGE, PLLC  
426 Old Salem Rd.  
Brickenstein-Leinbach House  
Winston-Salem, NC 27101  
Telephone: (336) 724-2828  
Facsimile: (336) 724-3335  
rmelliot@emplawfirm.com  
dlyon@emplawfirm.com

*Local Civil Rule 83.1(d) Counsel for Plaintiff*

/s/ Dean M. Harvey

Dean M. Harvey, CA Bar No. 250298

Anne B. Shaver, CA Bar No. 255928/CO Bar No. 39933

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

275 Battery Street, 29th Floor

San Francisco, CA 94111-3339

Telephone: (415) 956-1000

Facsimile: (415) 956-1008

dharvey@lchb.com

ashaver@lchb.com

Local Rule 83.1(e) special appearance counsel

*Counsel for Individual and Representative Plaintiff Joseph  
McAlear*